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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,546

Applicant(s)

WATANABE, MIKIO

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13, 15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13, 15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed in the amendment on 7/13/04 have been fully considered but they are not persuasive.

2. The applicant submits that the prior art does not disclose the claimed limitations for the following reasons:

claims 13, 15, and 17) Catanzaro fails to show or suggest that the image processing apparatus converts the image data into a printable format;

claim 5) Sacca fails to disclose or suggest the claimed reduction ratio receiving device and reduction ratio transmitting device features;

claim 6) Fukuoka does not teach the operating parameters of the camera are based upon communication speed of a telephone line or that a quantity of data reduction is increased when the telephone line has a slower communication speed;

claim 8) In Fukuoka, the compression ratio would be determined base upon bandwidth limitations of the I/O card itself, not based on a compression ratio used to compress data in the recording of data on a recording medium;

claim 9) Fukuoka fails to teach or suggest two devices that create compressed image data of two types as claimed;

claim 7) Catanzaro fails to show a first portable phone that transmits the image data instruction to the image processing apparatus when the image data transmission mode is selected;

claim 8) Fukouka fails to disclose or suggest the control function of terminating the data quantity reduction processing in response to reception of the print image data transmission instruction as claimed;

claim 12) Fukuoka is an I/O card that does not convert image data when a print mode is set by a first portable phone and Catanzaro fails to teach or suggest the image processing apparatus converting the image data suitable for an output format of the printer as claimed;

claim 10) Shiohara fails to judge whether the data quantity of the image data after reduction is in the vicinity of a data quantity of the thumbnail image data as claimed. The Examiner respectfully disagrees.

Examiner's Answer:

3. Re claims 13, 15, and 17) By stating the camera sends pictures to the enhanced phone (see column 2, lines 32-34) and the enhanced phone can provide a hard copy of the displayed image via a printer (see column 2, lines 65-67), Catanzaro shows or suggests that the image processing apparatus converts the image data into a printable format when it sends it to the enhanced or else the printer would not be able to process the image data to create hard copies. Dependent claims 15 and 17 are not allowable because they incorporate claim 13.

4. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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5. Re claim 5) The Sacca reference video fax receives a the reduction ratio command from the phone's transmitting device or keypad to send a high resolution picture with a reduction ratio lower than that of that low resolution image.
6. Re claim 6) In the Fukuoka invention, the I/O card of the camera connects to the telephone line and its bandwidth coincides with the speed of the telephone line; therefore, the speed of the telephone line is detect through detecting the bandwidth and it is inherent the by automatically selecting the operating parameters according to the bandwidth, the reduction is increased when there is low bandwidth or connection speed to reduce the time of the image transfer.
7. Re claim 8) Fukouka does not explicitly state that the image data quantity reducing device reduces the data quantity of image data by compressing the image data according to a compression ratio higher than a compression ratio used to compress data in the recording of the data on the recording medium.

It is clear that the compression device would use the lowest compression ratio in order to save the highest quality image for stored image data. It is also clear that there will be occasions when bandwidth limitations will cause a very low resolution image to be required for transmission (see column 12, lines 40-42). Therefore it is clear that there will be occasion in Fukuoka when the image data quantity reducing device reduces the data quantity of image data by compressing the image data according to a compression ratio higher than a compression ratio used to compress data in the recording of the data on the recording medium.

8. Re claim 9) Fukuoka does not disclose that the image data quantity reducing device compresses data in a method different from a data compression method employed

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in the recording of the image data on the recording medium in order to transfer the image over a certain bandwidth. However it would have been obvious to have an image data quantity reducing device to compress image data to a higher compression ratio when bandwidth limitations will cause a very low resolution image to be required for transmission as discussed above with regard to claim 8.

9. Re claim 7) The Catanzaro reference was not used to show a first portable phone that transmits the image data instruction to the image processing apparatus when the image data transmission mode is selected. This feature was already taught by the Sacca reference as discussed in the claim 1 rejection.

10. Re claim 11) The examiner acknowledges the image processing apparatus of Fukuoka does not have to terminate the quantity reduction processing when the video signal is used to send unprocessed data. The combination of the three references however discloses that the telephone can send a print command as in the to the image processing apparatus to print on the printer connected to the phone as in the, wherein the control means terminates the data quantity reduction processing and uncompressed image data is transferred to the printer through the video signal. There is also a second print option wherein the telephone commands the image processing apparatus to send it the compressed image data through the I/O and the telephone can send the image data to a printer to obtain hard copies.

11. Re claim 12) Catanzaro shows or suggests that the image processing apparatus converts the image data into a printable format when it sends it to the enhanced or else the printer would not be able to process the image data to create hardcopies. The

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combination of references would provide for the I/O device being able to output the image data in a printable form so that it may be later printed.

12. Re claim 10) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., judging whether the data quantity of the image data after reduction is in the vicinity of a data quantity of the thumbnail image data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The image data the Shiohara reference is not only reduced to the vicinity of a data quantity of the thumbnail image, but is reduced exactly to the data quantity of the thumbnail image before transferring.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 13, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Catanzaro et al., US 5,502,727.

In regard to claim 13, Catanzaro et al., US 5,502,727, discloses an image communication system in which an image processing apparatus (see Catanzaro: figure 1, element 106) and a portable phone (see Catanzaro: figure 1, element 101) can communicate data with each other and the portable phone sets a print

mode to produce printout of an image by a printer (see Catanzaro: column 2, lines 65 to column 3, line 5),

[The enhanced phones can be moved from place to place and are therefore portable.] wherein: the image processing apparatus includes:

an image data converting device for converting, when the print mode is set by the portable phone, image data into data suitable for an output format of the printer (see Catanzaro: column 2, lines 65 to column 3, line 5) and

[It is inherent that the image processing apparatus converts the image into a printable form since the phone prints out the image in a printing mode.]

a first transmitting device for transmitting, to the portable phone, the image data converted by the image data converting device (see Catanzaro: column 2, lines 32-34); and
the portable phone includes:

receiving means for receiving the image data transmitted from the first transmitting device of the image processing apparatus (see Catanzaro: column 2, lines 29-31), and a second transmitting device for transmitting via the telephone line the image data received by the receiving device (see Catanzaro: column 2, lines 46-56).

In regard to claim 15, Catanzaro et al., US 5,502,727, discloses an image processing apparatus constituting an image communication system in which the image processing apparatus (see figure 1, element 106) can communicate data with a portable phone (see figure 1, element 105 and column 2, line 46-49),

[The enhanced phones can be moved from place to place and are therefore portable.] comprising:

an image data converting device for converting, when a print mode is set by the portable phone, image data into data suitable for an output format of a printer (see column 2, lines 65-67);

[It is inherent that the image processing apparatus converts the image into a printable form since the phone prints out the image in a printing mode.] and

a transmitting device (see figure 1, element 101) for transmitting, to the portable phone, the image data converted by the image data converting device (see column 2, lines 32-34).

In regard to claim 17, Catanzaro et al., US 5,502,727, discloses an image processing method for use with an image processing apparatus (see figure 1, element 106) constituting an image communication system in which the image processing apparatus can communicate data with a portable phone (see figure 1, element 105),

[The enhanced phones can be moved from place to place and are therefore portable.] comprising the steps of:

converting, when a print mode is set by the portable phone, image data into data suitable for an output format of a printer (see column 2, lines 65-67);

[It is inherent that the image processing apparatus converts the image into a printable form since the phone prints out the image in a printing mode.]; and

transmitting the image data converted to the portable phone (see column 2, lines 32-34).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 5, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka, US 6,104,430 in view of Sacca, US 6,380,967.**

In regard to claim 5, Fukuoka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user

command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to send a high or low resolution image and the first portable phone also having a second image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

The Fukouka and Sacca references further disclose wherein:

the first portable phone further includes a reduction ratio receiving device for receiving data representing a reduction ratio sent from the second portable phone via the telephone line (see Sacca: column 10, line 65 to column 11, lines 18)

and a reduction ratio transmitting device for transmitting, to the image processing apparatus, the reduction ratio data receive by the reduction ratio receiving device (see Sacca: column 11, lines 8-13);

[It is inherent that the phone has a transmitting device for the image processing device to receive the instruction.]

the image processing apparatus further includes a reduction ratio data receiving device (see Fukouka: figure 6, element 14) for receiving the reduction ratio data transmitted from the reduction ratio transmitting device of the first portable phone (see Fukouka: column 11, lines 15-29); and

the data quantity reducing device (see Fukouka: figure 6, element 12) reduces image data according to a reduction ratio associated with the reduction ratio data received by the reduction ratio data receiving device (see Fukouka: column 11, lines 15-29).

In regard to claim 6, Fukouka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user

command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967. The Fukouka reference further discloses wherein:

at least one of the first portable phone and the image processing apparatus includes detecting means for detecting a data communication speed on the telephone line, and the data quantity reducing device of the image processing apparatus increases a quantity of data reduction when a slower communication speed is detected by the detecting means (see Fukouka: figure 15 and column 12 , lines 40-48).

In regard to claim 8, Fukouka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

- an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

- a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

- a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

- an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second

image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

The Fukouka reference further discloses wherein

the image processing apparatus includes an image data recording device (see Fukouka: figure 6, element 12) for compressing image data received and for recording the image data compressed on a recording medium (see Fukouka: column 5, lines 48-57).

Fukouka does not explicitly state that the image data quantity reducing device reduces the data quantity of image data by compressing the image data according to a compression ratio higher than a compression ratio used to compress data in the recording of the data on the recording medium.

It is clear that the compression device would use the lowest compression ratio in order to save the highest quality image for stored image data. It is also clear that there will be occasions when bandwidth limitations will cause a very low resolution image to be required for transmission (see column 12, lines 40-42). Therefore it is clear that there will be occasion in Fukuoka when the image data quantity reducing device reduces the data quantity of image data by compressing the image data according to a compression ratio higher than a compression ratio used to compress data in the recording of the data on the recording medium.

In regard to claim 9, Fukouka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second

portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

- an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

- a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

- a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

- an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

The Fukouka reference further disclose wherein

the image processing apparatus includes an image data recording device (see Fukouka: figure 6, element 12) for compressing image data received and for recording the image data compressed on a recording medium (see Fukouka: column 5, lines 48-57).

Fukuoka does not disclose that an image data quantity reducing device compresses data in a method different from a data compression method employed in the recording of the image data on the recording medium in order to transfer the image over a certain bandwidth. However it would have been obvious to modify the Fukuoka reference to have an image data quantity reducing device to compress image data to a higher compression ratio when bandwidth limitations will cause a very low resolution image to be required for transmission as discussed above with regard to claim 8.

3. Claims 7 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, and further in view of Catanzaro et al., US 5,502,727.

In regard to claim 7, Fukouka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11,

lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

The Fukouka and Sacca references lack wherein

the first portable phone includes a mode notifying device for notifying modes available in the first portable phone , the modes including an image data transmission mode, and

the first portable phone transmits, when the image data transmission mode is selected from the modes notified by the mode notifying device, the image data reduction instruction to the image processing apparatus.

Catanzaro et al., US 5,502,727, discloses a videophone system wherein the portable enhanced phone (see figure 1, element 105) includes a keyboard (figure 3) with an image capture mode key (319), storage mode key (313), image transmission mode (310), and other modes. The enhanced phones can be moved from place to place and are therefore portable. When the user presses the send button, a connection is established with another phone and the image is sent along with audio (see column 6, line 59-63 and (column 8, lines 41-49).

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Catanzaro et al, US 5,502,727, wherein

the first portable phone includes a mode notifying device for notifying modes available in the first portable phone , the modes including an image data transmission mode, and

the first portable phone transmits, when the image data transmission mode is selected from the modes notified by the mode notifying device, the image data reduction instruction to the image processing apparatus in order to allow the caller on the first phone to send images to the caller on a second phone (see Catanzaro: column 6, lines 59-61).

In regard to claim 11, Fukouka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

- an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

- a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

- a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

- an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second

image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

The Fukouka reference further discloses wherein computers (see figure 3, elements 33 and 34) and television (37) further includes a device for transmitting a transmission instruction of image data for printout (see figure 3, element 15) to the image processing apparatus, the image processing apparatus includes (see column 3, lines 57-59 and column 4, lines 9-29):

a device (see figure 3, element 15 and figure 6, element 26) for receiving the print image data transmission instruction transmitted from these devices (see column 3, lines 57-59 and column 4, lines 9-29); and

control means for terminating the data quantity reduction processing by the image data quantity reducing device in response to reception of the print image data transmission instruction and for transmitting the image data before the data quantity reduction processing to the first portable phone (see column 3, lines 57-59 and column 5, lines 36-38)

[The image processing apparatus sends the image data before compression without having to terminate quantity reduction processing using the video signal output].

The Fukuoka and Sacca references do not mention that the phone could send a transmission signal to the processing apparatus so that the phone could print out the image if it was connected to a printer. Catanzaro et al., US 5,502,727, discloses an image communication system (see figure

1) wherein the portable videophones (see figure 1, element 105) "can provide a hard copy of the displayed image via a separate video or laser printer 110 or via a printer of PC 113 (see column 2, lines 65-75)." The system includes a camera that when detached from the phone can take pictures and when attached to the phone, pictures from the camera are sent (see column 2, lines 29-35).

It would have been obvious to a person skilled in the art, at the time of invention, to telephone modify the telephone of Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Catanzaro et al, US 5,502,727, to have the first phone further include a device for transmitting a transmission instruction of image data for printout to the image processing apparatus, the image processing apparatus includes:

a device for receiving the print image data transmission instruction transmitted from these devices; and

control means for terminating the data quantity reduction processing by the image data quantity reducing device in response to reception of the print image data transmission instruction and for transmitting the image data before the data quantity reduction processing to the first portable phone in order to make it simpler in order to obtain photographic prints of the desired image or to transfer the electronic image to a suitable device for further processing or viewing as taught by Fukuoka, US 6,104,430 (see column 1, lines 25-55).

In regard to claim 12, Fukouka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11, lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1), wherein the image processing apparatus includes:

- an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

- a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

- a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

- an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line]

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second

image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967. The Catanzaro references further discloses wherein

the first portable phone includes a print mode setting device for setting a print mode in which a printer produces printout of an image (see Catanzaro: column 2, lines 65-67) and the image processing apparatus includes an image data converting device for converting (see Fukuoka: figure 3, element 15), when a print mode is set by the first portable phone, the image data to be transmitted to the first portable phone into data suitable for an output format of the printer (see Catanzaro: Figure 1).

The outputs from the camera (106) received by the enhanced phone (105) are then printed on printer (110) or by PC (113).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, and further in view of Shiohara, US 6,618,553.

In regard to claim 10, Fukuoka, US 6,104,430, discloses an image communication system in which an image processing apparatus (see figure 3, element 30) and a first portable phone (see figure 3, element 32) can communicate data with each other and the first portable phone can communicate with a second portable phone via a telephone line (see column 3, 60-65) and the I/O card sends (figure 3, element 15) an image data reduction instruction from the computers (figure 3, elements 33 and 35) to the image processing apparatus (see column 11,

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lines 7-21, column 12, lines 46-48, and figure 15, elements S11 & S13-1),

wherein the image processing apparatus includes:

an instruction receiving device (see figure 6, element 14) for receiving the image data reduction instruction;

a data quantity reducing device (see figure 6, element 12) for reducing a data quantity of image data according to the image data reduction instruction received by the instruction receiving device (see column 5, lines 39-45); and

a first image data transmitting device (modem card, see figure 3, element 24) for transmitting, to the first portable phone, the image data of which the data quantity is reduced by the data quantity reducing device (see column 5, lines 48-57) and

the first portable phone includes:

an image data receiving device for receiving the image data sent from the first image data transmitting device of the image processing apparatus (see column 3, lines 57-67).

[It is inherent that the cellular are wireless phone connected to the camera has an image data receiving device to receive the image data to send over the phone line].

Fukouka, US 6,104,430, lacks the first portable phone sending an image data reduction instruction to the image processing apparatus and a second image data transmitting device for transmitting via the telephone line the image data received by the image data receiving device.

Sacca, US 6,380,967, discloses a portable videophone device that transmits video images over a standard telephone line in response to a user command (see column 1, lines 7-10 and figure 1A). The videophones can be moved from place to place and are therefore portable. If the videophone is in remote mode, the user can monitor their home or office from a remote location. They can call the answering machine of the videophone and input commands into the phone to have the videophone capture an image and send it at high resolution or low resolution. Low resolution is the default, but the user can enter an instruction into their phone that is sent to the videophone to instruct the image processing apparatus to change to high resolution. (see column 10, line 65 to column 11, lines 18)

It would have been obvious to a person skilled in the art, at the time of invention, to modify Fukouka, US 6,104,430, in view of Sacca, US 6,380,967, to have to remote answering system so that the first portable phone sends an image data reduction instruction to the image processing apparatus in order to sent a high or low resolution image and the first portable phone also having a second image data transmission device for monitoring a house or office remotely, as taught by Sacca, US 6,380,967.

The Fukouka and Sacca references lack wherein the image data of which the data quantity is to be reduced is associated with thumb-nail data, the first image transmitting device of the image processing apparatus transmits the thumbnail image data when the data quantity of the image data after the reduction

of image data by the data quantity reducing means is in the vicinity of a data quantity of the thumbnail image data.

Shiohara, US 6,618,553, discloses a camera that transfers thumbnail data (see column 3, lines 1-23) to a portable phone in order to transfer image data over a wireless connection to print the image (see column 7, lines 49-56).

It would have been obvious to a person skilled in the art, at the time of invention to modify Fukuoka, US 6,104,430, in view of Sacca, US 6,380,967, as applied to claim 1 above, and further in view of Shiohara, US 6,618,553, to have the first image transmitting device of the image processing apparatus transmits the thumbnail image data when the data quantity of the image data after the reduction of image data by the data quantity reducing means is in the vicinity of a data quantity of the thumbnail image data in order to transfer the images over a wireless connect to be printed as taught by Shiohara, US 6,618,553.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs


TUAN HO
PRIMARY EXAMINER